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PTO/SB/05 (11-00)

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**CERTIFICATE OF EXPRESS MAIL (37 CFR 1.10) Label No. EJ939592799US**

I hereby certify that the attached papers and/or fee are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date shown below in an envelope addressed to Box Patent Application, Assistant Commissioner for Patents, Washington D.C. 20231.

Date Jan 12, 2001 Print Name Mary Rutkowski Signature Mary Rutkowski

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b).)

Attorney/Docket No. SEE 36525/US/N3  
First Inventor or Application Identifier W. F. Broekaert  
Title Biocidal Proteins  
Express-Mail Label No. EJ939592799US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner For Patents  
Box Patent Application  
Washington, DC 20231

- 1. ☒ **FEE TRANSMITTAL FORM (e.g. PTO/SB/17)**  
(Submit an original, and a duplicate for fee processing).
- 2. ☒ **SPECIFICATION**  
Total Pages 63 pages (including abstract)
- 3. ☒ **DRAWING(S) (35 USC 113)**  
Total sheets 42
- 4. ☒ **OATH OR DECLARATION**
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63(d).  
(for continuation/divisional with Box 16 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
- 5. ☐ Application Data Sheet. See 37 CFR 1.76.

- 6. ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
- 7. ☒ **Nucleotide and/or Amino Acid Sequence Submission**  
(If applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. **Specification Sequence Listing on:**
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies
  - d. ☒ Request to Transfer Computer Readable Form From Applicant's Previously Filed Application

**ACCOMPANYING APPLICATION PARTS**

- 8. ☐ Assignment Papers (cover sheet & document(s))
- 9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney
- 10. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
- 11. ☒ Preliminary Amendment
- 12. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
- 13. ☐ Certified Copy of Priority Document(s)
- 14. ☐ Request and Certification under 35 U.S.C. 122 (b)(2) (B)(I). Applicant must attach form PTO/SB/35 or its equivalent.
- 15. ☐ Other: \_\_\_\_\_

16. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application data Sheet under 37 CFR 1.76::

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/971,982  
Prior application information: Examiner A. Gupta Group/Art Unit 1653

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

☒ Customer Number of Bar Code Label (Insert Customer No. or Attach bar code label here) 23698 or ☐ Correspondence address below

PATENT TRADEMARK OFFICE

Name	Syngenta Crop Protection Inc. Liza D. Hohenschutz Intellectual Property Section			
Address	see bar code label above			
City	STATE	ZIP CODE		
Country	TELEPHONE	(302) 476-2088	FAX	(302) 476-2024

# 18. AMENDMENTS



Amend the specification by inserting before the first line the sentence:

--This is a continuation of co-pending application Serial No. 08/971,982 filed on November 17, 1997 which is a continuation of Application Serial No. 08/452,078 filed December 27, 1996 now U.S. Patent 5,689,043, which is in turn a division of application Serial No. 08/377,687 filed January 25, 1995, now U.S. Patent 5,538,525, which is a continuation of application Serial No. 08/002,480 filed January 4, 1993, now abandoned, which is in turn a continuation of PCT/GB92/01570 filed August 27, 1992, now abandoned.--



Cancel without prejudice in this application original claims 2-43 of the prior application before calculating the filing fee.

# 19. FEE CALCULATION

Claims as filed, less any canceled by amendment above and any amendments made by Preliminary Amendment.

	No. Filed		No. Extra	Rate	Fee
<b>BASIC FEE</b>					<b>\$710.00</b>
<b>Total Claims</b>	3	- 20 =	0	x \$18 =	
<b>Indep. Claims</b>	1	- 3 =	0	x \$80 =	
<b>Mult. Dep. Claims</b>				\$270 =	
				<b>TOTAL FILING FEE</b>	<b>\$710</b>

# 20. PAYMENT OF FEES



No filing fee is to be paid at this time.



Charge Account No. 09-0013 in the amount of \$710.00. This transmittal is enclosed in duplicate.

# 21. AUTHORIZATION TO CHARGE ADDITIONAL FEES



The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to **Deposit Account No. 09-0013**.

# 22. PRIORITY - 35 U.S.C. 119



Priority of application is claimed under 35 U.S.C. 119 from application No. 9118523.1, 9203038.6 and 9213526.8 filed on August 29, 1991, February 13, 1992 and June 25, 1992, respectively.



The certified copy has been filed in prior application Serial No. 08/377,687 filed on January 25, 1995.

# 23. ASSIGNMENT



The prior application is assigned of record to ZENECA Limited (Reel 6965, Frame 0039).



An assignment of the invention to is attached.

# 24. POWER OF ATTORNEY



The Power of Attorney in the prior application is to:

Use only for prior applications:

**Paul N. Kokulis, Esq. Reg. No. 16,773**

and by Associate Power of Attorney:

**Marian T. Thomson, Esq. Reg. No. 31,432**

**Dianne Burkhard, Esq. Reg. No. 41,650**

**Liza D. Hohenschutz, Esq. Reg. No. 33,712**

**David P. LeCroy, Esq. Reg. No. 37,869**



The power appears in the original papers in the prior application.



Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.



A new power has been executed and is attached.



A copy of the Associate Power of Attorney in the prior application is attached.

# SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Name	Liza D. Hohenschutz
Registration No.	33,712
Signature	<i>Liza D. Hohenschutz</i>
Telephone No.	(302) 476-2088
Date	January 12, 2001